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**PETITION FOR EXTENSION OF TIME TO FILE
NOTICE OF APPEAL (Large Entity)**Docket No.
836.047

In Re Application Of: Murray, et al.

Serial No.
09/485,267Filing Date
6/7/98Examiner
Not yet knownGroup Art Unit
Not yet knownInvention: **USE OF CHOLINESTERASE INHIBITORS FOR TREATING ATTENTION DEFICIT DISORDERS****TO THE COMMISSIONER FOR PATENTS:**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of 4/28/00 in the above-identified application.
Date

The requested extension is as follows (check time period desired):

☐ One month ☐ Two months ☒ Three months ☐ Four months ☐ Five months

from:

4/28/00
Date

until:

7/28/00
Date

The fee for the extension of time is \$950 and is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No.


02-2105

FAX RECEIVED

OCT 09 2003

PETITIONS OFFICE

Dated: October 9, 2003


Signature

Peter L. Berger, Esq. Reg. No. 24,570
Levisohn, Berger & Langsam, LLP
805 Third Avenue, 19th Floor
New York, New York 10022
Phone (212) 486-7272
Fax (212) 486-0323
Customer No. 04617

I certify that this document and fee is being deposited
on _____ with the U.S. Postal Service as
first class mail under 37 C.F.R. 1.8 and is addressed to the
Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450.

*Signature of Person Mailing Correspondence**Typed or Printed Name of Person Mailing Correspondence*

cc:

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)****COPY**Docket No.
836.047

In Re Application Of: Murray, et al.

Serial No.

09/485,267

Filing Date

6/28/00

Examiner

Not yet known

Group Art Unit

Not yet known

Invention: **USE OF CHOLINESTERASE INHIBITORS FOR TREATING ATTENTION DEFICIT DISORDERS**

Attention: Office of Petitions
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

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1. ☒ A proposed reply to the above-identified notice or action:

☒ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: Petition and Declaration

PETITIONS OFFICE

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

3. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

4. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

5. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)****COPY**Docket No.
836,047

In Re Application Of: Murray, et al.

Serial No.
09/485,267Filing Date
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Not yet knownGroup Art Unit
Not yet knownInvention: **USE OF CHOLINESTERASE INHIBITORS FOR TREATING ATTENTION DEFICIT DISORDERS****Calculation and Payment of Fees**

Enclosed are the following fees:

- | | |
|--|-----------------------------|
| 6. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of: | <u>\$1,330.00</u> |
| 7. <input type="checkbox"/> Fee for amendment in the amount of: | <u> </u> |
| 8. <input checked="" type="checkbox"/> Fee for extension of time to respond to Office Action in the amount of: | <u>\$950.00</u> |
| 9. <input type="checkbox"/> Issue fee in the amount of: | <u> </u> |
| 10. <input type="checkbox"/> Continuing application filing fee in the amount of: | <u> </u> |
| 11. <input type="checkbox"/> Terminal disclaimer fee in the amount of: | <u> </u> |
| 12. <input type="checkbox"/> _____ | <u> </u> |

Total fees enclosed: \$2,280.00

The fee of \$2,280 is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to
Deposit Account No. 02-2105

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)**

COPY

Docket No.

836.047

In Re Application Of: Murray, et al.

Serial No.

09/485,267

Filing Date

6/28/00

Examiner

Not yet known

Group Art Unit

Not yet known

Invention: **USE OF CHOLINESTERASE INHIBITORS FOR TREATING ATTENTION DEFICIT DISORDERS****Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.


Signature

Dated: October 9, 2003

Peter L. Berger, Esq. Reg. No. 24,570
Levisohn, Berger & Langsam, LLP
805 Third Avenue, 19th Floor
New York, New York 10022
Phone (212) 486-7272
Fax (212) 486-0323
Customer No. 04617

I certify that this document and fee is being deposited
on _____ with the U.S. Postal Service as
first class mail under 37 C.F.R. 1.8 and is addressed to the
Mail Stop Petition, Commissioner for Patents, P.O. Box
1450, Alexandria, VA 22313-1450.

*Signature of Person Mailing Correspondence**Typed or Printed Name of Person Mailing Correspondence*

cc:

**PETITION FOR EXTENSION OF TIME TO FILE
NOTICE OF APPEAL (Large Entity)**

Docket No.

6.047

COPY

In Re Application Of: Murray, et al.

Serial No.

09/485,267

Filing Date

6/7/98

Examiner

Not yet known

Group Art Unit

Not yet known

Invention: **USE OF CHOLINESTERASE INHIBITORS FOR TREATING ATTENTION DEFICIT DISORDERS**TO THE COMMISSIONER FOR PATENTS:

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of 4/28/00 in the above-identified application.
Date

The requested extension is as follows (check time period desired):

☐ One month☐ Two months☒ Three months☐ Four months☐ Five months

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02-2105

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PETITIONS OFFICE

Dated: October 9, 2003


Signature

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I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Signature of Person Mailing Correspondence**Typed or Printed Name of Person Mailing Correspondence*

cc:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Murray, et al.
Serial No. 09/485,267
International Application No. PCT/GB98/02378
For: USE OF CHOLINESTERASE INHIBITORS
FOR TREATING ATTENTION DEFICIT
DISORDERS
Attorney Docket No. 836.047

October 9, 2003

VIA FAX (703) 308-6916

Hon. Commissioner of Patents & Trademarks
Washington, D.C. 20231

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OCT 09 2003

PETITIONS OFFICE

PETITION TO REVIVE ABANDONED APPLICATION

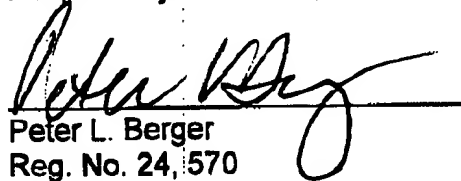
Sir:

Pursuant to 37 CFR 1.137 please consider the enclosed Petition to Revive the above identified application because it was unintentionally abandoned. Submitted herewith is the Declaration originally signed by the inventor in the year 2000 in response to the original Notice of Missing Parts. If the Patent Office wants a more recently signed document, the undersigned will furnish the same. The patent Office is authorized to charge the appropriate Petition Fee to our deposit account 02-2105.

Additionally, enclosed is my Declaration with accompanying documents supporting this Petition.

Submitted herewith is a request for an extension of time authorizing the Patent Office to charge our deposit account number 02-2105.

Respectfully submitted,



Peter L. Berger
Reg. No. 24, 570

LEVISOHN, BERGER & LANGSAM, LLP
805 Third Avenue, 19th Floor
New York, New York 10022
Tel. 212-486-7272
Fax 212-486-0323

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Murray, et al.
Serial No: 09/485,267
International Application No. PCT/GB98/02378
For: USE OF CHOLINESTERASE INHIBITORS
FOR TREATING ATTENTION DEFICIT
DISORDERS
Attorney Docket No. 836.047

October 9, 2003

VIA FAX (703) 308-6916

Hon. Commissioner of Patents & Trademarks
Washington, D.C. 20231

FAX RECEIVED**OCT 09 2003****DECLARATION OF PETER L. BERGER**

PETITIONS OFFICE

Sir:

Peter Berger declares:

1. I am the attorney for the above identified application and submit this Declaration in support of Applicant's Petition to Revive an abandoned application. The response period was to expire on October 28, 2000.
2. On April 28, 2000 we received a notification of missing requirements under 35 USC 1.371, a copy of which is attached hereto as Exhibit A.
3. On May 5, 2000, Morris Cohen of this office reported the above identified notification of missing requirements, identifying May 28, 2000 as the deadline to respond before extensions. Additionally, attached as Exhibit B is a copy of the fax transmission to Mr. Costello dated May 5, 2000 (with fax confirmation receipt) in which the transmission was identified as urgent.
4. On May 31, 2000 the undersigned personally faxed another set of Declaration documents identifying the importance that such documents be signed and returned promptly. A copy of the transmission (with fax confirmation receipt) dated May 31, 2000 is attached as Exhibit C. Our office did not receive the Declaration signed by the applicant so that we were not able to timely reply to the then outstanding office action.

5. On November 2, 2000, our office received a copy of an Assignment to be recorded, and the act of recording the document was undertaken as a ministerial act by a non-attorney in accordance with the standard practices of our office without reviewing the contents of the file.

6. Subsequently, the abandoned application was filed in a separate storage location.

7. On January 10, 2003, the Patent Office issued a Notice of Abandonment, which was received in our office on January 16, 2003. This document appeared consistent with our file and was appropriately filed.

8. On March 5, 2003, we received a letter from Marks & Clerk (Exhibit D) asking for the status of the above identified application. We then undertook an investigation to try to determine why such letter was sent and what events transpired which led to the failure to timely file the appropriate signed Declaration with the Patent and Trademark Office.

9. Over the past several months, we have spent considerable time going through our files, through related documents and interviewing personnel as has Mr. Angus Fairborn of Marks & Clerk, and we have uncovered the following information.

10. On June 20, 2000, Marks & Clerk sent by telefax the executed Declaration documents for us to file in the US Patent and Trademark Office. A copy of such letter and attached documents are included as Exhibit E.

11. We have reviewed and scoured our files and did not find any such documents.

12. Our personnel can not understand or explain how or why the document transmitted by Marks & Clerk by telefax was not duly received in our office.

13. In sum and substance, all that was required was that the executed Declaration and Power of Attorney be filed, and at this end, we had submitted a completed, unexecuted document to Mr. Joseph Costello of Marks & Clerk of London, England.

14. In the above identified matter, we are serving as local counsel, with Marks & Clerk having a direct relationship to the client in seeking both US and Worldwide patent protection.

15. Attached herewith is a letter from Angus Fairborn, the attorney at Marks & Clerk who currently has responsibility for the above captioned matter. Mr. Fairborn lists the status of corresponding applications throughout the world filed by Marks & Clerk either directly itself or through other corresponding counsel. As may be clear, this invention is very important with worldwide protection being sought.

16. As stated by Mr. Fairborn, this is an important invention to the client, and obtaining worldwide protection is critical to its intellectual property program.

17. Marks & Clerk has a policy of following up on applications for which it is responsible and has corresponding attorneys in other countries undertake corresponding action, and in accordance with that standard practice, as evidenced by Exhibit D.

18. The failure to file the signed Declaration within the original time and within the two year period thereafter was unintentional because our office took all of the standard steps and precautions it normally would take and should take regarding replying to an Office Action in which all that was required was merely obtaining a signed Declaration. Additionally, Marks & Clerk also took the standard and prudent steps it normally does in responding to corresponding attorneys' requests by transmitting by telefax the signed documents which its own fax machine indicated were properly sent. Marks & Clerk had no reason to suspect the documents had not been sent or had not been received.

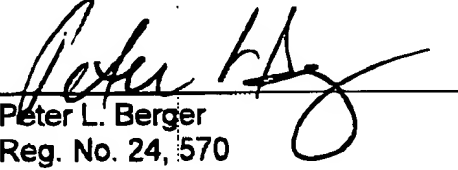
19. Since we received the March 5, 2003 letter, our office retrieved the abandoned file from storage and contacted its employees to investigate the matter. One of those employees had retired. After both Marks & Clerk and our office concluded the investigation, we came to the complete and full belief that this application was unintentionally abandoned and have applied for revival. Both Marks & Clerk and our office have been working diligently since March to determine what happened. Thus, the entirety of the period of the lapse of the application is unintentional.

20. There has been no adverse impact to any third party, as the failure to seek timely examination in the Patent Office has been delayed to the detriment to the applicant and to no other party's benefit.

21. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: October 9, 2003


Peter L. Berger
Reg. No. 24, 570

LEVISOHN, BERGER & LANGSAM, LLP
805 Third Avenue, 19th Floor
New York, New York 10022
Tel. 212-486-7272
Fax 212-486-0323

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EXHIBIT A